

REGULATION 6A

CASH TRANSACTIONS PROHIBITIONS, REPORTING, AND RECORDKEEPING

6A.010 Definitions.
6A.020 Prohibited transactions; exceptions.
6A.030 Reportable transactions.
6A.040 Multiple transactions.
6A.050 Recordkeeping requirements.
6A.060 Internal control.
6A.070 Construction.
6A.080 Funds transfer requirements.
6A.090 Structured transactions.
6A.100 Repealed, March 2003.
6A.110 Waivers.

6A.010 Definitions. As used in Regulation 6A:

1. "Affiliate" has the same meaning as defined in Regulation 15.482-3.
2. "Branch office" means any person that has been delegated the authority by a nonrestricted licensee to conduct cash transactions on behalf of the nonrestricted licensee. The term does not include any person who is not an affiliate of the nonrestricted licensee and who only has the authority to accept credit repayments. The term also does not include persons who are financial institutions pursuant to 31 C.F.R. Part 103.
3. "Cash" means coin and currency that circulates, and is customarily used and accepted as money, in the issuing nation.
4. "Chairman" means the chairman or other member of the state gaming control board.
5. "Designated 24-hour period" means the 24-hour period designated by a 6A licensee in its system of internal control submitted pursuant to Regulation 6.090.
6. "Gaming instrumentality" means a wagering instrument or other instrumentality approved by the chairman.
7. "Nonrestricted licensee" means any person holding a nonrestricted gaming license, an operator of a slot machine route, or an operator of an inter-casino linked system, and the principal headquarters or any branch office or other place of business of the nonrestricted licensee.
8. "Patron" means any person, whether or not engaged in gaming, who enters into a transaction governed by Regulation 6A with a 6A licensee and includes, but is not limited to, officers, employees, and agents of a 6A licensee, but does not include:
 - (a) Banks as defined in 31 C.F.R. pt. 103;
 - (b) Foreign banks as defined in 31 C.F.R. pt. 103;
 - (c) Currency dealers or exchangers as defined in 31 C.F.R. pt. 103;
 - (d) Officers, employees, and agents of a 6A licensee conducting internal transactions or transactions with a nonrestricted licensee in the ordinary course of the 6A licensee's operations other than those transactions which directly facilitate or are intended to facilitate gaming activity;
 - (e) A nonrestricted licensee conducting a transaction with a 6A licensee arising in the ordinary course of both licensees' operations and where the transaction is not for the benefit of another person; or
 - (f) A person or an agent of a person that operates a casino chip and token exchange business when performing chip and token exchanges.
 - (g) A person conducting a non-gaming related transaction at a hotel front desk, gift shop, restaurant, box office of other non-gaming area of a 6A licensee's establishment.
9. "6A licensee" means any person holding a nonrestricted gaming license, its principal headquarters and any branch office or other place of business of the 6A licensee:
 - (a) Having annual gross gaming revenue of \$10 million or more for the 12 months ending June 30 of each year and having table games statistical win of \$2 million or more for the 12 months ending June 30 of each year; or
 - (b) Having actual or projected annual gross gaming revenue of \$1 million or more for the 12 months ending June 30 that the chairman designates as a 6A licensee for a specific length of time. The chairman's decision shall be considered an administrative decision, and therefore reviewable pursuant to the procedures set forth in Regulations 4.185, 4.190 and 4.195. The chairman shall notify the affected nonrestricted licensee of its designation, in writing, at least 60 days before the nonrestricted licensee would be subject to compliance with Regulation 6A. The chairman may cancel such designations or renew such designations. Once a nonrestricted

licensee qualifies as a "6A licensee" pursuant to subsection (a), they shall always be designated as a "6A licensee" in subsequent years unless the chairman cancels such designations in writing pursuant to this subsection (b).

(Adopted: 1/97. Effective: 5/1/97.)

6A.020 Prohibited transactions; exceptions.

1. A 6A licensee shall not exchange cash for cash with or on behalf of a patron in any transaction in which the amount of the exchange is more than \$3,000.

2. A 6A licensee shall not issue a check, other negotiable instrument, or combination thereof, to a patron in exchange for cash in any transaction in which the amount of the exchange is more than \$3,000.

3. A 6A licensee shall not effect any transfer of funds by electronic, wire, or other method, or combination of methods, to a patron, or otherwise effect any transfer of funds by any means on behalf of a patron, in exchange for cash in any transaction in which the amount of the exchange is more than \$3,000.

4. This section does not restrict a 6A licensee from transferring a patron's funds to the 6A licensee's affiliate if the affiliate complies with subsection 1, 2, or 3 for that transaction.

5. This section does not restrict a 6A licensee from transferring a patron's winnings by check, other negotiable instrument, electronic, wire, or other transfer of funds if the check, negotiable instrument, electronic, wire or other transfer of funds issued by a 6A licensee in payment of a patron's winnings is made payable to the order of the patron and, if the winnings have been paid:

(a) In cash but the patron has not taken physical possession of the cash or has not removed the cash from the sight of the 6A licensee's employee who paid the winnings; or

(b) With chips, tokens, or other gaming instrumentalities.

6. This section does not prohibit a 6A licensee from selling coin to, or purchasing coin from, a patron if the 6A licensee completes the identification, recordkeeping and reporting requirements described in Regulation 6A.030 for all exchanges or series of exchanges in excess of \$10,000 conducted by an employee of the 6A licensee in any one designated 24-hour period.

7. This section does not prohibit a 6A licensee from accepting cash from and returning it to a patron in accordance with this subsection. If a patron delivers more than \$3,000 in cash to a 6A licensee in any transaction and the 6A licensee has knowledge of the amount delivered, the 6A licensee shall, for each delivery, segregate the cash delivered and return only that cash to the patron, or record the denominations and the number of bills of each denomination of the cash delivered and, for all full and partial returns of each delivery, return to the patron only cash of the same denominations and no more than the same number of bills of each denomination as was delivered, and record the denominations and the number of bills of each denomination of the cash returned. For each delivery, regardless of the method used, the amount delivered may be returned by check, other negotiable instrument, or wire, electronic, or other method of transfer, only if the employee handling the transaction is reasonably assured that the deposited funds were the proceeds of gaming winnings and that the return will not violate subsection 1, 2, or 3.

(Adopted: 1/97. Effective: 5/1/97.)

6A.030 Reportable transactions.

1. Except as otherwise provided in Regulation 6A, a 6A licensee shall report each of the following:

(a) Cash-in transactions where an employee of the 6A licensee accepts or receives more than \$10,000 in cash from a patron in any transaction:

(1) As any table game wager where the patron loses the wager;

(2) As any wager which is not a table game wager;

(3) In any exchange for its chips, tokens, or other gaming instrumentalities;

(4) As a repayment of credit previously extended;

(5) As a deposit for gaming or safekeeping purposes, including a deposit to a race/sports book account, if the 6A licensee has actual knowledge of the amount of cash deposited; or

(6) Not specifically covered by this paragraph (a).

(b) Cash-out transactions where an employee of the 6A licensee disburses more than \$10,000 in cash to a patron in any transaction:

(1) As a redemption of chips, tokens, or other gaming instrumentalities;

(2) As a payment of winning wager(s);

(3) As a payment of tournament or contest winnings or a promotional payout;

(4) As a withdrawal of a deposit for gaming or safekeeping purposes, including a withdrawal from a race/sports book account, if the 6A licensee has actual knowledge of the amount of cash withdrawn;

(5) In exchange for a check or other negotiable instrument;

(6) In exchange for an electronic, wire or other transfer of funds;

- (7) As a credit advance (including markers);
 - (8) For travel expenses or other complimentary expenses or for a distribution of a gaming incentive such as settlement of a gaming debt, front money discount, or other similar distribution based upon gaming activity;
 - (9) Not specifically covered by this paragraph (b).
2. Before completing a transaction for which a report is required under subsection 1, unless the patron is a known patron, a 6A licensee shall:
- (a) Obtain the patron's name;
 - (b) Obtain or reasonably attempt to obtain the patron's permanent address and social security or employer identification number;
 - (c) Obtain one of the following identification credentials from the patron:
 - (1) Driver's license;
 - (2) Passport;
 - (3) Non-resident alien identification card;
 - (4) Other reliable government issue identification credential; or
 - (5) Other picture identification credential normally acceptable as a means of identification when cashing checks; and
 - (d) Examine the identification credential obtained, to verify the patron's name, and to the extent possible, to verify the accuracy of the information obtained pursuant to paragraph (b). If a person performs a reportable transaction on behalf of a patron, obtain the information and perform the procedures required under paragraphs (a) through (d) with respect to the person performing the transaction.
3. For each transaction that is reportable pursuant to this section, the 6A licensee shall complete a report that includes:
- (a) The date and the time of the transaction;
 - (b) The dollar amount or, for foreign currency, the United States dollar equivalent of the transaction;
 - (c) The type of transaction, including a designation that:
 - (1) The report is of multiple transactions pursuant to paragraph (a) of subsection (2) of Regulation 6A.040, if applicable;
 - (2) The report is of more than one transaction type because the transaction is a multiple dissimilar transaction under paragraphs (b) or (c) of subsection (2) of Regulation 6A.040, if applicable;
 - (3) A designation that the report is for an additional transaction described in subsection (4) of Regulation 6A.040, if applicable;
 - (d) The patron's name;
 - (e) The patron's permanent address (or post office box number but only if the patron refuses to provide a permanent address);
 - (f) The type, number and issuing entity of the identification credential presented by the patron;
 - (g) The patron's social security or employer identification number;
 - (h) The patron's date of birth, if so indicated on the patron's identification credential or if contained in the 6A licensee's records;
 - (i) The patron's account number with the 6A licensee, if applicable, as related to the transaction being reported;
 - (j) The method used to verify the patron's identity and permanent address;
 - (k) The signature of the person handling the transaction and recording the information on behalf of the 6A licensee;
 - (l) The signature of a person other than the person who handled the transaction reviewing the report on behalf of the 6A licensee;
 - (m) The reason any item in paragraphs (a) through (l) is not documented on the report; and
 - (n) The 6A licensee's name and the business address where the transaction took place.
4. If a person performs the transaction on behalf of a patron, the licensee shall obtain and report the information required by paragraphs (a) through (j) of subsection 3 with respect to the person performing the transaction, and the 6A licensee shall reasonably attempt to obtain and, to the extent obtained, shall report the information required by paragraphs (a) through (j) of subsection 3 with respect to the patron;
5. If a patron tenders more than \$10,000 in chips, tokens, or gaming instrumentalities to a 6A licensee for cash redemption, or is to be paid more than \$10,000 in cash for a slot, bingo, keno, race, sports, or any other gaming win, but is unable to obtain the patron's name and identification credential, the 6A licensee shall not complete the transaction. If the 6A licensee and the patron are unable to resolve the dispute regarding payment of alleged winnings to the patron's satisfaction, the 6A licensee shall immediately notify the board, and the matter shall thereafter proceed pursuant to NRS 463.362, 463.363, 463.364, and 463.366.

6. If a patron attempts to place a cash wager of more than \$10,000 at any table game, the 6A licensee shall complete the identification and recordkeeping requirements of subsection 2 before accepting the wager.

7. If a 6A licensee discovers it has completed a transaction without complying with subsection 2, the 6A licensee shall attempt to obtain the necessary information and identification credential from the patron. If the patron refuses to provide or is unavailable to provide the necessary information and identification credentials, the 6A licensee shall bar the patron from gaming at the 6A licensee's establishment and at the establishments of the 6A licensee's affiliates until the patron supplies the necessary information and identification credential. The 6A licensee shall inform the patron that the patron is barred from gaming at the 6A licensee's establishment and at the establishments of the 6A licensee's affiliates if the patron is at the 6A licensee's establishment or at one of its affiliates. If the patron refuses to provide identification credentials or is unavailable for identification purposes, the 6A licensee shall complete a report pursuant to this section to the extent possible.

8. As used in this section, a "known patron" means a patron known to the 6A licensee's employee handling the transaction with the patron, for whom the 6A licensee has previously obtained the patron's name and identification credential, and with respect to whom the 6A licensee has on file and periodically, as required in Regulation 6.090 minimum standards for internal control, updates all the information needed to complete a report. Reports of transactions with known patrons shall indicate on the report "known patron, information on file" as the method of verification and shall include the original method of identification, including type and number, of the identification credential originally examined.

9. **[Effective until 11/1/97]** Each licensee shall report the information required to be reported under this section on a Currency Transaction Report by Casinos, Nevada (CTRC-N), a form published by the United States Department of the Treasury, and otherwise in such manner as the chairman may approve or require. Each 6A licensee shall file each report with the United States Internal Revenue Service and a copy thereof with the board no later than 15 days after the occurrence of the recorded transaction. The 6A licensee shall file an amended report if the 6A licensee obtains information to correct or complete a previously submitted report. The amended report shall reference the previously submitted report. Each 6A licensee shall retain a copy of each report filed for at least 5 years unless the chairman requires retention for a longer period of time.

9. **[Effective 11/1/97]** Each licensee shall report the information required to be reported under this section on a Currency Transaction Report by Casinos, Nevada (CTRC-N), a form published by the United States Department of the Treasury, and otherwise in such manner as the chairman may approve or require. Each 6A licensee shall file each report with the United States Internal Revenue Service no later than 15 days after the occurrence of the recorded transaction. The 6A licensee shall file an amended report if the 6A licensee obtains information to correct or complete a previously submitted report. The amended report shall reference the previously submitted report. Each 6A licensee shall retain a copy of each report filed for at least 5 years unless the chairman requires retention for a longer period of time.

(Adopted: 1/97. Effective: 5/1/97, except (9) as noted.)

6A.040 Multiple transactions.

1. A 6A licensee and its employees and agents shall not knowingly allow, and each 6A licensee shall take reasonable steps to prevent, the circumvention of Regulation 6A.020 and 6A.030 by multiple transactions within its designated 24-hour period with a patron or a patron's agent or by the use of a series of transactions that are designed to accomplish indirectly that which could not be accomplished directly. As part of a 6A licensee's efforts to prevent such circumventions relative to Regulation 6A.030, a 6A licensee shall establish and implement multiple transaction logs pursuant to Regulation 6.090 minimum standards for internal control.

2. Each 6A licensee shall aggregate transactions in excess of \$3,000, or in smaller amounts when any single officer, employee, or agent of the 6A licensee has actual knowledge of the transactions or would in the ordinary course of business have reason to know of the transactions between the 6A licensee and a patron or a person who the 6A licensee knows or has reason to know is the patron's confederate or agent. The 6A licensee shall aggregate:

(a) During a designated 24-hour period, the same type transactions occurring within each of the following areas:

- (1) At a single specific cage;
- (2) At a single specific gaming pit (which is a series or group of gaming tables under the supervision of a single floor supervisor); or
- (3) At another single specific gaming or other monitoring area as described in the 6A licensee's system of internal controls submitted pursuant to Regulation 6.090; or

(b) During a designated 24-hour period, transactions in which the 6A licensee receives cash from the patron during a single visit to one gaming table, one single slot machine, or one single cage window, race book window, sports book window, keno window, bingo window, slot booth window or branch office; or

(c) During a designated 24-hour period, transactions in which the 6A licensee disburses cash to the patron during a single visit to one single gaming table, one single slot machine, or one single cage window, race book window, sports book window, keno window, bingo window, slot booth window or branch office.

3. Before completing a transaction that, when aggregated with others pursuant to subsection 2, will aggregate to an amount that will exceed \$10,000, the 6A licensee shall complete the identification and recordkeeping requirements described in subsection (2) of Regulation 6A.030. When aggregated transactions exceed \$10,000, the 6A licensee shall complete the reporting requirements of Regulation 6A.030.

4. If a patron performs a transaction that pursuant to paragraph (a) of subsection 2 is to be aggregated with previous transactions for which a report has been completed pursuant to this section or Regulation 6A.030, the 6A licensee shall complete the identification and reporting procedures described in Regulation 6A.030 for the additional transaction, provided that only one report need be completed for all such additional transactions by the patron during a designated 24-hour period, and provided further that all such additional transactions shall be reported regardless of amount.

5. As used in this section:

(a) "Single visit" means one single, continuous appearance at a given location uninterrupted by a patron's physical absence from that given location during a designated 24-hour period.

(b) "Same type transactions" means transactions in any one and only one of the transaction categories delineated in Regulation 6A.030(1).

(Adopted: 1/97. Effective: 5/1/97.)

6A.050 Recordkeeping requirements. Each 6A licensee, in such manner as the chairman or his designee may approve or require, shall create and keep accurate, complete, legible, and permanent original (unless otherwise specified in Regulation 6A and Regulation 6.090 minimum standards relative to Regulation 6A) records to ensure compliance with Regulation 6A within Nevada for a period of five years unless the chairman approves or requires otherwise in writing. Each 6A licensee shall provide the audit division, upon its request, the records required to be maintained by Regulation 6A. These records shall include:

1. For transactions involving more than \$3,000 with respect to each deposit of funds, including gaming front money deposits or safekeeping deposits, account opened, or line of credit extended or established, 6A licensees shall, at the time the funds are deposited, the account is opened, or credit is extended or established, secure and maintain the same information as required in Regulations 6A.030(3)(d) through (j) in the manner required in Regulation 6A.030(1). Where the deposit, account, or credit is in the names of two or more patrons, the 6A licensee shall secure such information for each patron having a financial interest in the deposit, account, or line of credit. In the event a 6A licensee has been unable to secure all the required information, it shall not be deemed to be in violation of this section if it has made a reasonable effort to secure such information, maintains a list containing the names and permanent addresses of those patrons from whom it has been unable to obtain the information, and makes the names and addresses of those patrons available to the state upon request.

2. Either the original or a microfilm or other copy or reproduction of each of the following:

(a) A record of each receipt of more than \$3,000 (including but not limited to funds for safekeeping or front money) of funds received by the 6A licensee for the account (credit or deposit) of any patron. The record shall include the same information required in Regulation 6A.030(3)(d) through (j) for a patron from whom the funds were received, as well as the date and amount of the funds received. If the patron from whom the funds were received indicates and the 6A licensee has reason to believe that the patron is a nonresident alien, the 6A licensee shall obtain and record the patron's passport number and country of issue, or a description of some other government document used to verify the patron's identity.

(b) Each statement, ledger card, or other record of each deposit account or credit account with the 6A licensee, showing each transaction (including deposits, receipts, withdrawals, disbursements, or transfers) in, or with respect to, a patron's deposit account or credit account with the 6A licensee.

(c) A record of each bookkeeping entry (e.g., source document or other posting media) recording a debit or credit to a patron's deposit account or credit account with the 6A licensee.

(d) A record of each extension of credit in excess of \$3,000, the terms and conditions of the extension of credit, and repayments. The record shall be included in the information required in paragraphs (a) and (b) and the date and amount of each transaction.

(e) In instances in which the following transactions are not prohibited, a record of each advice, request, or instruction:

(1) Received or given regarding any transaction resulting (or intended to result and later canceled if such a record is normally made) in the transfer of funds, or of currency, other monetary instruments, funds, checks, investment securities, or credit, of more than \$3,000 to or from any person, account, or place outside the United States.

(2) Given to another financial institution or other person located within or without the United States, regarding a transaction intended to result in the transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than \$3,000 to a person, account, or place outside the United States.

(f) To the extent relevant to any matter relating to the enforcement of Regulation 6A, records prepared or received by the 6A licensee in the ordinary course of business that would be needed:

(1) To reconstruct a patron's deposit account or credit account with the 6A licensee in a manner that is in accordance with Regulation 6.090 minimum standards for internal control;

(2) To trace a check or other negotiable instrument tendered with the 6A licensee through the 6A licensee's records to the bank of deposit in a manner that is in accordance with Regulation 6.090 minimum standards for internal control; or

(3) To trace a check, negotiable instrument, or other transfer of funds tendered in exchange for a 6A licensee's check, negotiable instrument or other transfer of funds through the 6A licensee's records to the bank of deposit in a manner that is in accordance with Regulation 6.090 minimum standards for internal control.

(g) Player rating records, or summaries that summarize player rating records in accordance with Regulation 6.090 minimum standards for internal control, if the records or summaries are prepared as a source document to reflect cash activity and used for purposes of complying with Regulation 6A.

3. To the extent relevant to any matter relating to the enforcement of Regulation 6A, all records, documents, or manuals required to be maintained by a 6A licensee under state and local laws or regulations.

4. Any records required either by Regulation 6.090 minimum standards for internal control relative to Regulation 6A or by the 6A licensee's system of internal control relative to Regulation 6A. Each 6A licensee shall also maintain records of the 6A licensee's steps to implement policies and procedures that are designed to meet the 6A licensee's responsibilities under these requirements (e.g., internal procedures and instructions to employees, records of internal audits).

5. Any additional records the chairman, the board, or the commission require any 6A licensee to make and maintain to insure compliance with Regulation 6A.

(Adopted: 1/97. Amended and effective: 3/20/03.)

6A.060 Internal control.

1. Each 6A licensee shall include as part of its system of internal control submitted pursuant to Regulation 6.090 a description of the procedures adopted by the 6A licensee to comply with this Regulation. Each 6A licensee shall comply with both its system of internal control and the Regulation 6.090 minimum standards for internal control relative to Regulation 6A.

2. Each 6A licensee shall direct an independent accountant engaged by the 6A licensee to report at least annually to the 6A licensee and to the board regarding the 6A licensee's adherence to the provisions of Regulation 6A and regarding the effectiveness and adequacy of the form and operation of the 6A licensee's systems of internal control as they relate to the provisions of Regulation 6A. Using criteria established by the chairman, the independent accountant shall report each event and procedures discovered by or brought to the attention of the independent accountant that the accountant believes do not conform with Regulation 6A, with Regulation 6.090 minimum standards for internal control relative to Regulation 6A or any approved variation pursuant to subsection 6, or with the 6A licensee's system of internal control as they relate to Regulation 6A, regardless of the materiality or nonmateriality of the exceptions. Such reports shall be submitted to the board within 150 days of the 6A licensee's fiscal year end and shall be accompanied by the 6A licensee's statement addressing each item of noncompliance noted by the accountant and describing the action taken.

3. The chairman may waive any of the requirements in subsection 2 at his discretion.

4. Each 6A licensee shall establish and maintain a compliance program pursuant to Regulation 6.090 minimum standards for internal control and shall at all times provide for an individual as a compliance specialist for the 6A licensee. The compliance specialist shall be responsible for assuring day-to-day regulatory compliance for the 6A licensee, relative to Regulation 6A and Regulation 6.090 minimum standards for internal control for Regulation 6A.

5. Each 6A licensee shall establish and maintain a training program pursuant to Regulation 6.090 minimum standards for internal control.

6. The 6A licensee shall implement a system of internal control that satisfies the minimum standards relative to Regulation 6A unless the chairman, in his sole discretion, determines that the 6A licensee's proposed system satisfies the requirements of Regulation 6A although it does not fully satisfy the minimum standards and approves the variation in writing. Within 30 days after a 6A licensee receives notice of the chairman's approval, the 6A licensee shall comply with the approved procedures, amend its written system accordingly, and submit to the board a copy of the amendments to the written system and a written description of the variations.

(Adopted: 1/97. Effective: 5/1/97.)

6A.070 Construction. Regulation 6A shall be liberally construed and applied in favor of strict regulation of the cash transactions described in Regulation 6A, and in favor of the policies enunciated in the Nevada Gaming Control Act and the regulations of the Nevada gaming commission. Without limiting the generality of the foregoing, substance shall prevail over form and prohibitions of the direct performance of specified acts shall be construed to prohibit indirect performance of those acts.

(Adopted: 1/97. Effective: 5/1/97.)

6A.080 Funds transfer requirements. For purposes of this section, each 6A licensee is also a financial institution as described in 31 C.F.R. pt. 103. This section applies to transmittals of funds in an amount that exceeds \$3,000.

1. For each transmittal order that it accepts as a transmitter's financial institution, a 6A licensee shall obtain and retain either the original or a microfilm, other copy, or electronic record of the following information relating to the transmittal order:

- (a) The name and address of the transmitter;
- (b) The amount of the transmittal order;
- (c) The execution date of the transmittal order;
- (d) Any payment instructions received from the transmitter with the transmittal order;
- (e) The identity of the recipient's financial institution;
- (f) As many of the following items as are received with the transmittal order:
 - (1) The name and address of the recipient;
 - (2) The account number of the recipient; and
 - (3) Any other specific identifier of the recipient; and

(g) Any form relating to the transmittal of funds that is completed or signed by the person placing the transmittal order.

2. For each transmittal order that it accepts as an intermediary financial institution, a 6A licensee shall retain either the original or a microfilm, other copy, or electronic record of the transmittal order.

3. For each transmittal order that it accepts as a recipient's financial institution, a 6A licensee shall retain either the original or a microfilm, other copy, or electronic record of the transmittal order.

4. For transmittal orders accepted by the 6A licensee as the transmitter's financial institution:

(a) If the transmittal order is made in person, prior to acceptance of a transmittal order the 6A licensee shall verify the identity of the person placing the transmittal order in the same manner as required in Regulation 6A.030(2). If it accepts the transmittal order, the 6A licensee shall obtain and retain a record of the information required in Regulation 6A.030(3)(d) through (j). Where an agent is involved in the transaction and information regarding a principal of a transaction is not available, a notation in the record to that extent shall be made.

(b) If the transmittal order accepted by the 6A licensee is not made in person, the 6A licensee shall obtain and retain a record of the information required in Regulation 6A.030(3)(d) through (j). Where an agent is involved in the transaction and information regarding a principal of a transaction is not available, a notation in the record to that extent shall be made.

5. For each transmittal order that the 6A licensee accepts as a recipient's financial institution for a recipient, obtain and retain either the original or a microfilm, other copy, or electronic record of the transmittal order:

(a) If the proceeds are delivered in person to the recipient or its agent, the 6A licensee shall verify the identity of the person receiving the proceeds in the same manner as Regulation 6A.030(2) and shall obtain and retain a record of the information required in Regulation 6A.030(3)(d) through (j). Where an agent is involved in the transaction and information regarding a principal of a transaction is not available, a notation in the record to that extent shall be made.

(b) If the proceeds are delivered other than in person, the 6A licensee shall retain a copy of the check or other instrument used to effect payment, or the information contained thereon, as well as the name and address of the person to which it was sent.

6. Any 6A licensee as transmitter's financial institution or as an intermediary financial institution shall include in any transmittal order the following information:

(a) As transmitter's financial institution at the time the transmittal order is sent to a receiving financial institution, the following information:

(1) The name and, if the payment is ordered from an account, the account number of the transmitter;

(2) The address of the transmitter;

(3) The amount of the transmittal order;

(4) The execution date of the transmittal order;

(5) The identity of the recipient's financial institution;

(6) As many of the following items as are received with the transmittal order:

(i) The name and address of the recipient;

(ii) The account number of the recipient;

(iii) Any other specific identifier of the recipient; and

(7) Either the name and address or numerical identifier of the transmitter's financial institution.

(b) As an intermediary financial institution, if it accepts a transmittal order, in a corresponding transmittal order at the time it is sent to the next receiving financial institution, the following information, if received from the sender:

(1) The name and account number of the transmitter;

(2) The address of the transmitter;

(3) The amount of the transmittal order;

(4) The execution date of the transmittal order;

(5) The identity of the recipient's financial institution;

(6) As many of the following items as are received with the transmittal order:

(i) The name and address of the recipient;

(ii) The account number of the recipient;

(iii) Any other specific identifier of the recipient; and

(7) Either the name and address or numerical identifier of the transmitter's financial institution.

7. A 6A licensee:

(a) As a transmitter's financial institution will be deemed to be in compliance with the provisions of paragraph (a) of subsection 6 if it:

(1) includes in the transmittal order, at the time it is sent to the receiving financial institution, the information specified in paragraph (a) of subsection 6 to the extent that such information has been received by the 6A licensee; and

(2) Provides the information specified in paragraph (a) of subsection 6 to a financial institution that acted as an intermediary financial institution or recipient's financial institution in connection with the transmittal order, within a reasonable time after any such financial institution makes a request therefor in connection with the requesting financial institution's receipt of a lawful request for such information from a federal, state, or local law enforcement or financial regulatory agency, or in connection with the requesting financial institution's own Regulation 6A or United States Title 31 compliance program.

(b) As an intermediary financial institution will be deemed to be in compliance with the provisions of paragraph (b) of subsection 6 if it:

(1) Includes in the transmittal order, at the time it is sent to the receiving financial institution, the information specified in paragraph (b) of subsection 6, to the extent that such information has been received by the 6A licensee; and

(2) Provides the information specified in paragraph (b) of subsection 6, to the extent that such information has been received by the 6A licensee, to a financial institution that acted as an intermediary financial institution or recipient's financial institution in connection with the transmittal order, within a reasonable time after any such financial institution makes a request therefor in connection with the requesting financial institution's receipt of a lawful request for such information from a federal, state, or local law enforcement or regulatory agency, or in connection with the requesting financial institution's own Regulation 6A or United States Title 31 compliance program.

(c) Shall treat any information requested under subparagraph (2) of paragraph (a) and under subparagraph (2) of paragraph (b), once received, as if it had been included in the transmittal order to which such information relates.

8. The information that a 6A licensee shall retain as the transmitter's financial institution shall be retrievable by reference to the name of the transmitter and account number, if applicable. The information that a 6A licensee shall retain as a recipient's financial institution shall be retrievable by reference to the name of the recipient and account number, if applicable. This information need not be retained in any particular manner, so long as the 6A licensee is able to retrieve the information required by this section, either by accessing transmittal of funds records directly or through reference to some other record maintained by the 6A licensee.

9. The following transmittals of funds are not subject to the requirements of this section where the transmitter and the recipient of the same transmittal are any of the following:

- (a) A bank;
 - (b) A wholly-owned domestic subsidiary of a bank chartered in the United States;
 - (c) A broker or dealer in securities;
 - (d) A wholly-owned domestic subsidiary of a broker or dealer in securities;
 - (e) The United States;
 - (f) A state or local government; or
 - (g) A federal, state or local government agency or instrumentality.
10. As used in this section:
- (a) "Financial institution" means a financial institution as described in 31 C.F.R. pt. 103.
 - (b) "Foreign financial agency" means a foreign financial agency as described in 31 C.F.R. pt. 103.
 - (c) "Receiving financial institution" means the financial institution or foreign financial agency to which the sender's instruction is addressed. The term "receiving financial institution" includes a receiving bank.
 - (d) "Recipient's financial institution" means the financial institution or foreign financial agency identified in a transmittal order in which an account of the recipient is to be credited pursuant to the transmittal order or which otherwise is to make payment to the recipient if the order does not provide for payment to an account. The term "recipient's financial institution" includes a beneficiary's bank, except where the beneficiary is a recipient's financial institution.
 - (e) "Transmittor" means the sender of the first transmittal order in a transmittal of funds. The term "transmittor" includes an originator, except where the transmittor's financial institution is a financial institution or foreign financial agency other than a bank or foreign bank.
 - (f) "Transmittor's financial institution" means the receiving financial institution to which the transmittal order of the transmittor is issued if the transmittor is not a financial institution or a foreign financial agency, or the transmittor if the transmittor is a financial institution or a foreign financial agency. The term "transmittor's financial institution" includes an originator's bank, except where the originator is a transmittor's financial institution other than a bank or foreign bank.
 - (g) "Transmittal order" means an instruction of a sender, including a payment order, to a receiving financial institution, transmitted orally, electronically, or in writing, to pay, or cause another financial institution or foreign financial agency to pay, a fixed or determinable amount of money to a recipient if:
 - (1) The instruction does not state a condition to payment to the recipient other than time of payment;
 - (2) The receiving financial institution is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and
 - (3) The instruction is transmitted by the sender directly to the receiving financial institution or to an agent or communication system for transmittal to the receiving financial institution.
- (Adopted: 1/97. Effective: 5/1/97.)

6A.090 Structured transactions.

1. A 6A licensee, its officers, employees or agents shall not encourage or instruct the patron to structure or attempt to structure transactions. This subsection does not prohibit a 6A licensee from informing a patron of the regulatory requirements imposed upon the 6A licensee, including the definition of structured transactions.
 2. A 6A licensee, its officers, employees or agents shall not knowingly assist a patron in structuring or in attempting to structure transactions.
 3. As used in this section, "structure transactions" or "structuring transactions" means to willfully conduct or attempt to conduct a series of cash or noncash transactions in any amount, at one or more 6A licensees, on one or more days in any manner as to willfully evade or circumvent the reporting requirements of Regulation 6A.030 or in such a manner as to willfully evade the prohibitions of Regulation 6A.020. The transaction or transactions need not exceed the dollar thresholds in Regulation 6A.020 and Regulation 6A.030 at any single 6A licensee in any single day in order to constitute structuring within the meaning of this definition.
- (Adopted: 1/97. Effective: 5/1/97.)

6A.100 Repealed, March 2003.

6A.110 Waivers. The chairman may approve the conduct of a particular transaction or type of transaction with a specific patron that would otherwise be prohibited under Regulation 6A.020 and may waive the reporting of a particular transaction or type of transaction with a specific patron for which a report would otherwise be required under Regulation 6A.030. Requests for such approvals and waivers shall be made in advance of the transaction and be evidenced in writing to the chairman. The chairman may grant or deny such requests and revoke approvals and waivers previously granted.

(Adopted: 1/97. Effective: 5/1/97.)

End – Regulation 6A